

FIRST REGULAR SESSION

SENATE BILL NO. 93

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR GREEN.

Pre-filed December 3, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

0397S.011

AN ACT

To amend chapter 227, RSMo, by adding thereto one new section relating to the establishment and administration of a drunk driving memorial sign program.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 227, RSMo, is amended by adding thereto one new
2 section, to be known as section 227.295, to read as follows:

**227.295. 1. The department of transportation shall establish and
2 administer a drunk driving victim memorial sign program. The
3 provisions of this section shall be known as "Drunk Driving Risk
4 Reduction Awareness Program". The signs shall be placed upon the
5 state highways in accordance with this section, placement guidelines
6 adopted by the department, and any applicable federal limitations or
7 conditions on highway signage, including location and spacing.**

**8 2. The department shall adopt, by rules and regulations, program
9 guidelines for the application for and placement of signs authorized by
10 this section, including, but not limited to, the sign application and
11 qualification process, the procedure for the dedication of signs, and
12 procedures for the replacement or restoration of any signs that are
13 damaged or stolen. The department shall also establish by rule,
14 application procedures and methods for proving eligibility for the
15 program.**

**16 3. Any person may apply to the department of transportation to
17 sponsor a drunk driving victim memorial sign in memory of an
18 immediate family member who died as a result of a motor vehicle
19 accident caused by a person who was shown to have been operating a
20 motor vehicle in violation of section 577.010 or 577.012, RSMo, or was
21 committing an intoxication-related traffic offense at the time of the**

22 accident. Upon the request of an immediate family member of the
23 deceased victim involved in a drunk driving accident, the department
24 shall place a sign in accordance with this section. A person who is not
25 a member of the immediate family may also submit a request to have
26 a sign placed under this section if that person also submits the written
27 consent of an immediate family member. The department shall charge
28 the sponsoring party a fee to cover the department's cost in designing,
29 constructing, placing, and maintaining that sign, and the department's
30 costs in administering this section. Signs erected under this section
31 shall remain in place for a period of ten years. After the expiration of
32 the ten-year period, the department shall remove the sign unless the
33 sponsoring party remits to the department of transportation a ten-year
34 renewable fee to cover maintenance costs associated with the sign.

35 4. The signs shall feature the words "Drunk Driving Victim!", the
36 initials of the victim, the month and year in which the victim of the
37 drunk driving accident was killed, and the phrase "Who's Next?". The
38 overall design of the sign, including size, color, and lettering, shall
39 conform to the guidelines and regulations established by the
40 department. The signs shall be placed near the scene of the accident.

41 5. All roadside memorials or markers commemorating the death
42 of a drunk driving victim not meeting the provisions of this section are
43 prohibited. No person, other than a department of transportation
44 employee or the department's designee, may erect a drunk driving
45 victim memorial sign.

46 6. As used in this section, the term "immediate family member"
47 shall mean spouse, child, stepchild, brother, stepbrother, sister,
48 stepsister, mother, stepmother, father, or stepfather.

49 7. The department shall adopt rules and regulations to
50 implement and administer the provisions of this section. Any rule or
51 portion of a rule, as that term is defined in section 536.010, RSMo, that
52 is created under the authority delegated in this section shall become
53 effective only if it complies with and is subject to all of the provisions
54 of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This
55 section and chapter 536, RSMo, are nonseverable and if any of the
56 powers vested with the general assembly pursuant to chapter 536,
57 RSMo, to review, to delay the effective date, or to disapprove and annul
58 a rule are subsequently held unconstitutional, then the grant of

59 rulemaking authority and any rule proposed or adopted after August
60 28, 2009, shall be invalid and void.

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